

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 5698 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

ELLEN M. MARQUETTE
S.S.A. No.

PRECEDENT
BENEFIT DECISION
No. P-B-360

FORMERLY BENEFIT DECISION No. 5698
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The above-named claimant appealed from the decision of a Referee (LA-37210) which held that the claimant was not entitled to benefits under the Unemployment Insurance Act.

Based on the record before us, our statement of fact, reason for decision, and decision are as follows:

STATEMENT OF FACT

The claimant registered for work and filed a claim for benefits on July 25, 1949. After she had exhausted her benefits with reference to this claim, the claimant appeared at the Hollywood office of the Department on July 18, 1950, in order to satisfy the waiting period requirement with reference to a new benefit year which was to begin July 25, 1950. When the claimant reported to the Hollywood office on July 18, 1950, she was instructed to return at 8:30 a.m. on July 27, 1950. The claimant failed to appear at the Hollywood office of the Department on July 27, 1950, for reasons hereafter stated, and did not again appear until August 3, 1950.

The claimant did not report on Thursday, July 27, 1950, at the Department office as instructed because she sought work at an aircraft plant during the morning. On the trip from the aircraft plant to the Department office the

claimant became ill and required medical attention. The claimant submitted a letter from her physician that she was treated by him on July 27, 1950. The claimant remained ill and was unable to go to the Department office until August 3, 1950. The claimant did report at the Department office on Thursday, August 3, 1950. She informed the Department that the reason she did not report on July 27, 1950, was because she had been seeking work. She did not disclose her illness to the Department because she was afraid it would affect her entitlement to benefits.

On August 4, 1950, the Department issued a determination denying the claimant's request to have her claim backdated to July 25, 1950. The claimant duly appealed. The claimant possessed insufficient earnings upon which to base a valid claim for benefits for a benefit year beginning August 3, 1950.

REASON FOR DECISION

The claimant clearly had good cause for failure to appear on July 25, 1950, because she was told by the Department to appear on July 27, 1950. In our opinion the claimant's search for work during the morning of July 27, 1950, was good cause for her failure to report to the Department office at the appointed hour within the meaning of Section 205(b) and (c) [now Section 1326-4] of Title 22 of the California Administrative Code. As the claimant became ill on her way to the Department's office from her employment interview, and remained ill until August 3, 1950, so that she was unable to visit the Department office, we further hold that the claimant had good cause for failing to report to the Department office during the remainder of the day of July 27, 1950, and for the balance of the period of her illness. The claimant's failure to disclose her illness to the Department might have been material under Section 58(a)(3) [now section 1257(a)] of the Act, but was immaterial on the issue of good cause for failure to report on July 27, 1950. We hold, therefore, based upon the facts of this case that the claimant had good cause for failure to report to the Department on July 27, 1950, which was the date that the Department selected as the claimant's report date for the purposes of filing a claim commencing July 25, 1950, and that the claimant is entitled to have her claim backdated to July 25, 1950.

DECISION

The decision of the Referee is reversed. The claimant's request to have her claim backdated to July 25, 1950, is granted.

Sacramento, California, February 1, 1951.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

MICHAEL B. KUNZ, Chairman

GLENN V. WALLS

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 5698 is hereby designated as Precedent Decision No. P-B-360.

Sacramento, California, June 14, 1977.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT